

STATE OF NEW JERSEY
Department of Community Affairs

Chris Christie
Governor

Richard E. Constable, III
Commissioner

Kim Guadagno
Lt. Governor

MEMORANDUM

TO: Construction Officials

FROM: Edward M. Smith
Director
Division of Codes and Standards

DATE: October 3, 2014

SUBJECT: Home Elevation Contractor Registration and Home Elevation Standards

P.L. 2014, c. 34, signed into law by Governor Christie on August 15, 2014, calls for the Division of Consumer Affairs, in the Department of Law and Public Safety, to adopt rules for the registration of home elevation contractors. The Department of Community Affairs is charged with the adoption of rules governing the methods, procedures and other requirements that must be followed in performing home elevations. The statute authorized the two agencies to adopt special rules to implement these new requirements as quickly as possible. The rules are a special adoption and concurrent proposal. What does this mean? It means that the rules became effective on October 1, 2014 when they were filed with the Office of Administrative Law. And they have been proposed for public comment at the same time. The Notice of special adoption and concurrent proposal is posted on the Division's webpage and is attached for your review. It will appear in the New Jersey Register on November 3. The public comment period will extend until January 2, 2015. But the rules are on the books and must be enforced now.

The rules adopted (and concurrently proposed) by the Division of Consumer Affairs require a registered home elevation contractor for contracts to elevate entered into on or after October 1, 2014. (A copy of a notice on the new rules sent out by the Division of Consumer Affairs is attached. These rules include experience and insurance requirements for home elevation contractors.)

The following is a summary of the amendments to the Uniform Construction Code to establish standards for the elevation of existing buildings.

PERMIT APPLICATION – These requirements apply to permit applications submitted on or after October 1, 2014. N.J.A.C. 5:23-2.15 is amended to require that a permit application to elevate an existing home include the registration number of the home elevation contractor—or home improvement contractor if the contract was entered into prior to October 1.

Certification – The permit application must be accompanied by a certification signed by the contractor. A form to use for this purpose is attached. (Please note that this requirement is statutory.) When issuing permits for home elevations, it will be necessary to ask whether the contract was entered into before October 1. In every case, have the contractor complete the certification indicating that he/she is in compliance with the applicable provisions of the new laws. Those with contracts signed before October 1 may be home improvement contractors. Those with contracts signed on or after October 1 must be home elevation contractors.

INSPECTIONS – N.J.A.C. 5:23-2.18 is amended to state that a pile certification, prepared by a licensed professional engineer, takes the place of an inspection for pile foundations. The amendments include a description of what the certification must include and a requirement that the certification be based on the engineer's personal observations. (The person on site may be an employee of the engineer.)

REQUIREMENTS FOR HOME ELEVATIONS – A new rule, N.J.A.C. 5:23-2.37, contains the requirements for elevation, including addressing utility service connections, methods and equipment required, and protection of adjoining property. This is similar to the requirements contained at N.J.A.C. 5:23-2.17 for demolitions.

AMENDMENT TO THE ONE- AND TWO-FAMILY DWELLING SUBCODE FOR CONSTRUCTION ON PILES – N.J.A.C. 5:23-3.21 is amended to require the use of American Society of Civil Engineers (ASCE) Standard 24 for the construction of one-or two-family homes on piles. Previously, the use of ASCE 24 was required for buildings other than one- or two-family homes, but was listed as an alternative in the one- and two-family dwelling subcode. ASCE 24 is recognized as the industry standard for construction on piles. Its use is now required for all construction on piles. Alternate designs that do not conform to ASCE 24 may still be used through application for and granting of a variation. Because this is an amendment to an adopted subcode of the Uniform Construction Code, the six month grace period provided at N.J.A.C 5:23-1.6 will apply.

Up until this point, the Uniform Construction Code has not contained requirements specifically applicable to the elevation of an existing house. All of us have witnessed incidents of unscrupulous or incompetent contractors taking advantage of homeowners in the Sandy-affected communities. The intent of these new rules is to protect homeowners and to provide local code enforcement agencies with regulatory tools to be used for this purpose. Should you have any questions or concerns, please feel free to contact the Code Assistance Unit at (609) 984-7607 or codeassist@dca.nj.gov.

Attachments – Special Rule Adoption and Concurrent Proposal
Form for Contractor Certification to Accompany Permit Application
Notice from the Division of Consumer Affairs on Contractor Registration